



ITM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: ATM-2360

Applicant : Joseph Wittemer Art Unit 3728
Serial No. : 10/692,682 Examiner Bryon P. Gehman
Filed : October 27, 2003
Title : PACKAGING BAG

ERROR IN OFFICE COMMUNICATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202

Sir:

Applicant thanks the Examiner for, in the Office Communication of March 31, 2009, vacating the premature Office Action of March 17, 2009.

However, such Office Communication contains the following erroneous statement at page 2, lines 2 to 4:

"At the end of this period, applicant is required to notify the examiner and request continuation of prosecution or a further suspension. See MPEP § 709."

This notice requirement only applies to a suspension of action under 37 CFR 1.103(a). It does not apply to a suspension of action under 37 CFR 1.103(c), which deals with a suspension request in conjunction with an RCE. Section 709 of the MPEP clearly limits such notification in such manner.

April 21, 2009
Date

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Respectfully submitted,

Virgil H. Marsh
Virgil H. Marsh
Reg. No. 23,083

<p align="center"><u>CERTIFICATE OF MAILING</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on <u>April 21, 2009</u> 2008.</p> <p align="center"><u>Virgil H. Marsh</u> FISHER, CHRISTEN & SABOL 1120 20th St., NW, So. Tower, Su. 750 Washington, D.C. 20036</p>
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